

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED

OCT - 9 2024

Clerk, U.S. District Court
Texas Eastern

UNITED STATES OF AMERICA

§
§
§
§
§
§

v.

PHILLIP DAVID DANIEL

No. 4:24-CR-
Judge

219
ALM/BD

INDICTMENT

The United States Grand Jury Charges:

COUNT ONE

Violation: 18 U.S.C. § 922(a)(1)(a)
(Engaging in the Business of Firearms
without a License)

On or between April 7, 2019 and through the date of Indictment, in the Eastern District of Texas and elsewhere, the defendant, **Phillip David Daniel**, not being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of dealing in firearms, in violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

COUNT TWO

Violation: 18 U.S.C. § 933(a)(1)
(Firearms Trafficking)

On or about June 21, 2024, in the Eastern District of Texas, the defendant, **Phillip David Daniel**, did ship, transport, transfer, cause to be transported, or otherwise dispose of a firearm, to wit:

- (1) Ruger, Model LCP, a .380 caliber handgun, bearing Serial Number: 376-49768;
- (2) Taurus, Model G2C, a 9mm caliber handgun, bearing Serial Number: AEC194345;
- (3) Smith & Wesson, Model Equalizer, a 9mm caliber handgun, bearing Serial Number: PKD8557;
- (4) Smith & Wesson, Model M&P9, a 9mm caliber handgun, bearing Serial Number: NAY2333; and
- (5) Springfield Armory, Model XD40, a .40 caliber handgun, bearing Serial Number: XD385677

to D.P. (Badge No.: 6378) in or otherwise affecting commerce, knowing or having reasonable cause to believe that the use, carrying, or possession of the firearm by D.P. (Badge No.: 6378) would constitute a felony, or did attempt or conspire to do so, in violation of Title 18, United States Code, Section 933(a)(1).

COUNT THREE

Violation: 18 U.S.C. § 933(a)(1)
(Firearms Trafficking)

On or about September 24, 2024, in the Eastern District of Texas, the defendant, **Phillip David Daniel**, did ship, transport, transfer, cause to be transported, or otherwise dispose of a firearm, to wit: a Glock, Model 45, a 9mm caliber handgun, bearing Serial Number: BKTB349, to M.W. (Badge No.: 6361) in or otherwise affecting commerce, knowing or having reasonable cause to believe that the use, carrying, or possession of the firearm by M.W. (Badge No.: 6361) would constitute a felony, or did attempt or conspire to do so, in violation of Title 18, United States Code, Section 933(a)(1).

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

As the result of committing the offense charged in Count One of this Indictment, the defendant, **Phillip David Daniel**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the violation of 18 U.S.C. § 922(a)(1)(A).

As the result of committing the offenses charged in Counts Two and Three of this Indictment, the defendant, **Phillip David Daniel**, shall forfeit to the United States, pursuant to 18 U.S.C. § 934, any property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as the result of a violation of 18 U.S.C. 933(a)(1); any of the person's property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of a violation of 18 U.S.C. 933(a)(1); and, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the violation of 18 U.S.C. § 933(a)(1), all including, but not limited to:

1. Ruger, Model LCP, a .380 caliber handgun, bearing Serial Number: 376-49768;
2. Taurus, Model G2C, a 9mm caliber handgun, bearing Serial Number: AEC194345;
3. Smith & Wesson, Model Equalizer, a 9mm caliber handgun, bearing Serial Number: PKD8557;
4. Smith & Wesson, Model M&P9, a 9mm caliber handgun, bearing Serial Number: NAY2333;
5. Springfield Armory, Model XD40, a .40 caliber handgun, bearing Serial Number: XD385677

6. a Glock, Model 45, a 9mm caliber handgun, bearing Serial Number: BKTB349; and
7. any associated ammunition.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty.

The United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

It is the intent of the United States, pursuant to 21 U.S.C. § 853(p) to seek forfeiture of any other property of said defendants up to the value of the forfeitable property described above.


By virtue of the commission of the offenses charged in this indictment by the defendant, any and all interest the defendant had in the above-described properties is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) and 18 U.S.C. § 934.

A TRUE BILL

CJ

GRAND JURY FOREPERSON

DAMIEN M. DIGGS
UNITED STATES ATTORNEY



MICHAEL A. ANDERSON
Assistant United States Attorney
Eastern District of Texas

Date: 10/9/2024

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NOTICE OF PENALTY

Count One

Violation: 18 U.S.C. § 922(a)(1)(a)

Penalty: Imprisonment of not more than 5 years, a fine not to exceed \$250,000.00, or both; a term of supervised release of not more than three years.

Special Assessment: \$100.00

Counts Two and Three

Violation: 18 U.S.C. § 933(a)(1)

Penalty: Imprisonment of not more than fifteen years, a fine not to exceed \$250,000, or both; a term of supervised release of not more than three years.

If a violation of subsection (b) is committed knowing or with reasonable cause to believe that any firearm involved will be used to commit a [Federal or State] felony, a Federal crime of terrorism, or a drug trafficking crime, the person shall be sentenced to a term of imprisonment of not more than 25 years.

Special Assessment: \$100.00